

Case 3:85-cr-00140 Document 1 Filed 01/04/06 Page 1 of 7 PageID 81

ROBERT W. POKER

Case Filed Mo Day 05 01 85 00140

PO ☐ Misd ☐ Felony ☒ District Off Judge/Magistr OFFENSE ON INDEX CARD

U.S. TITLE SECTION 21:963 Conspiracy to import cocaine into the U.S., a Schedule II Narcotic Drug Controlled Substance Ct 1, 1/85-4/23/85

CHARGES I. CHARGES II. CHARGES 21:963 Conspiracy to import cocaine into the U.S. from Columbia A Schedule II Narcotic Drug Controlled Substance Ct. 1 (1-85 to 4-23-85) 18:1952 & 2 did travel in interstate commerce from locations outside of Texas with the intent to promote & facilitate an unlawful activity Ct 6, 25 (2-1-85 & 4-22-85)

INTERVAL ONE KEY DATE 04-23-85 EARLIEST OF

KEY DATE 05/01/85 APPLICABLE

END ONE AND/OR BEGIN TWO OR RESTART PERIOD TO TRIAL

KEY DATE 08-09-85 APPLICABLE

1st appears with or waves counsel 05-24-85 08-09-85

ARRAIGNMENT 1st Trial Ended RE TRIAL 2nd Trial Began

DISPOSITION DATE 08-09-85 SENTENCE DATE 09-27-85

PTD Nolle Pros

FINAL CHARGES DISMISSED on ST grounds W P WOP

III. MAGISTRATE

Search Warrant Issued (3) 4/24/85 WFS/39AH

Return (3) 4/25/85 WFS/39AH

Summons Issued Served

Arrest Warrant Issued

COMPLAIN 4/23/85 WFS/39AH

Date of Arrest OFFENSE (in Complaint) 4/23/85

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

Robert R. Smith, AUSA

Defense 1 ☐ CJA 2 ☒ Ret 3 ☐ Waived 4 ☐ Self 5 ☐ Non / Other 6 ☐ PD 7 ☐ CD

Robert Udashen CROWDER MATTOX & UDASHEN
2017 Cedar Springs
Dallas, Tx 75201 -1899
744-5161

PRE-INDICTMENT

Release Date

Bail Denied ☐ F ☐ P

AMOUNT SET \$200,000

Date Set 5-1-85

Bail Not Made ☒ Co ☐ 3rc ☐ Ott

POST-INDICTMENT

Release Date

Bail Denied ☐ F ☐ P

AMOUNT SET

Date Set

Bail Not Made ☐ Co ☐ 3rc ☐ Ott

FINE AND RESTITUTION PAYMENTS

DATE RECEIPT NUMBER CD NUMBER

Docket Entries Begin On Reverse Side

APPEALS FEE PAYMENT

DATE DOCUMENT NO.	85 00140 04	MAJESTY - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE 2 OF	VI EXCLUDABLE DELAY Start Date End Date Ltr. Code Total Days
<u>1985</u>	(OPTIONAL) Show last names of defendants	V. PROCEEDINGS		
Apr. 24		ISSUED ORDER OF TEMPORARY COMMITMENT		
May 2		Filed ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE		
		Filed APPEARANCE BOND.		
*May 1		Filed INDICTMENT	dg	
May 10		Filed atty Robert Udashen's letter entry of appearance of counsel for deft William Schwarz	dg	
May 13		Received pilot's license of deft William Schwarz from the U.S. Magistrate's office (placed in vault)	dg	
May 24		M.E. Deft pres w/counsel for arraignment. Plea: N.G. Trial: June 24, 1985 @ 9:30; 20 days for pretrial motions.	bh	
May 24		Filed ORDER establishing the following deadlines; pretrial motions by June 13, 1985; Govt's reply by June 18, 1985, response by deft(s) by June 20, 1985; pretrial conference on June 21, 1985 at 11:30 a.m.; By June 21, 1985 lists of exhibits, witnesses, proposed jury instructions, exchange with opposing counsel marked sets of all exhibits, file proposed voir dire questions; case is set for trial on June 24, 1985 at 9:30 a.m. RWP/bh Dkt'd 5-28-85 copies to counsel, AUSA, Probation, Pretrial & Doris Robinson		
Jun 3		Filed ORDER that a hearing is set on June 5, 1985 at 10:15 a.m. regarding the Magistrate's Order of Detention. RWP/bh Dkt'd 6-4-85 copies to Counsel, AUSA, Probation & Pretrial		
Jun 5		M.E. Detention hearing held as to defts Fortna, Poland and Boisvert. (Court Reporter: Freda Simmons)	bh	
June 11		Filed DEFENDANT WILLIAM SCHWARZ'S MOTION FOR CONTINUANCE to allow attorney an adequate amount of time to prepare for trial	dg	
June 11		Filed deft Schwarz's MOTION TO ADOPT CODEFENDANTS' MOTIONS AND OBJECTIONS	dg	
June 11		Filed deft Schwarz's MOTION FOR DISCOVERY AND INSPECTION (WITH MEMORANDUM OF AUTHORITIES)	dg	
June 11		Filed deft Schwarz's MOTION TO SUPPRESS EVIDENCE (With Supporting Authorities)	dg	
June 11		Filed deft Schwarz's MOTION FOR A BILL OF PARTICULARS	dg	
June 11		Filed MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR A BILL OF PARTICULARS	dg	
June 11		Filed deft Schwarz's MOTION FOR A PRE-TRIAL HEARING TO DETERMINE ADMISSIBILITY OF ALLEGED CO-CONSPIRATOR'S STATEMENTS	dg	

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Yr. Docket No.

DATE 1985	PROCEEDINGS (continued)	V. EXCLUDABLE DEI		
		(a)	(b)	(c)
June 11	(Document No.) Filed MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR A PRE-TRIAL HEARING TO DETERMINE THE ADMISSIBILITY OF ALLEGED CO-CONSPIRATOR'S STATEMENTS dg			
June 11	Filed deft Schwarz's MOTION IN LIMINE_EXTRANEIOUS ACTS dg			
June 11	Filed MEMORANDUM IN SUPPORT OF MOTION IN LIMINE-EXTRANEIOUS ACTS dg			
Jun 14	Filed MEMORANDUM OPINION AND ORDER AFFIRMING PRETRIAL DETENTION ...the Court finds that none of the conditions available in the Act would justify pretrial release of these defts. The Magistrate's rulings, as modified and supplemented herein, are hereby adopted. There has been no abuse of discretion or error of law by Magistrate Sanderson. It is therefore ORDERED that the motions for Revocation or Amendment of the Detention Order filed by defts Fortna, Boisvert, Poland and Harnage are DENIED. Dkt'd 6-17-85 RWP/bh copies to all counsel, Probation, Pretrial, Marshal & Judge			
June 12	Filed SUPERSEDING INDICTMENT; Supersedes Indictment filed May 1, 1985 as to all defts. except Donald F. Bredesen.rr			
June 19	Filed MOTION OF THE UNITED STATES FOR EXTENSION OF TIME IN WHICH TO FILE RESPONSES. rr			
Jun 19	Filed Deft's REQUEST FOR VOIR DIRE OR SUBMISSION OF VOIR DIRE QUESTIONS pm			
Jun 19	Filed Deft's WAIVER OF SPEEDY TRIAL pm			
Jun 19	Filed ORDER GRANTING CONTINUANCE...the motions to continue are granted, the motion in opposition to continuance is DENIED and the following pretrial schedule is hereby adopted as to all defts: pretrial motions, as described in the court's scheduling order of May 24, and as further set out in the Local Rules, shall be filed by July 8, 1985. Government's reply to these pretrial motions shall be filed by July 15, and any response by defts shall be filed by July 18. The Govt shall promptly supply information & documents sought by presently pending discovery motions to which it does not object. Govt shall file written objections to each motion it opposes within the time frame set forth supra. A pretrial conference will be held on Aug 5, 1985 at 11:30 a.m. to resolve pretrial motions and discuss procedures for trial. Defts need not be present. also by Aug 5, each party shall file their pretrial material which includes a list of witnesses & exhibits and proposed jury instructions. All dates are filing, not mailing dates. Failure to timely comply with this schedule may result in sanctions. This case is set for trial on Mon, Aug 12, 1985 at 9:30 a.m. RWP/bh Dkt'd 6-20-85 copies to all counsel, Probation, Pretrial, AUSA & Doris Robinson			

Interval
(per Section II)Start Date
End DateLtr. To
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U.S.A. vs. SCHWARZ, WILLIAM

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DATE 1985	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
June 21	(Document No.) Filed RESPONSE OF THE UNITED STATES TO DEFENDANT SCHWARZ'S PRETRIAL MOTIONS dg		11/11/85	E	
July 31	Filed deft Schwarz's REQUESTED JURY INSTRUCTIONS dg				
Aug 5	Filed GOVERNMENT'S REQUESTED INSTRUCTIONS dg				
Aug 5	Filed GOVERNMENT'S EXHIBIT LIST dg				
Aug 5	Filed GOVERNMENT'S WITNESS LIST dg				
Aug 5	Filed GOVERNMENT'S REQUEST FOR VOIR DIRE dg				
Aug 5	M.E. Pretrial Conference. (Ct. Reporter: Freda Simmons) bh				
Aug 7	Filed ORDER that the United States Marshal for the N.D. of Texas make facilities available to the depts in this case who are in custody to confer with counsel & listen to tape recordings. Dkt'd 8-8-85 RWP/bh copies to counsel, AUSA, Probation, Pretrial & Marshal				
Aug 7	Filed ORDER...notwithstanding the motion for continuance filed and the motion for consolidation, the Court will maintain the August 12 trial setting. The motion for particulars is denied. The motion to suppress extraneous offenses & motion in limine is granted to the extent that the Govt will first approach the bench. The motion to adopt motions filed by co-defts will be denied until such time as the specific motions by specific depts are identified. The motion to reveal the deal is granted. The motion for disclosure of electronic surveillance is denied as moot. The motion for a separate conspiracy hearing is denied...The motion for additional time to file additional motions is moot...the motion to require the Govt to answer in writing is granted...the motion for discovery & inspection was ruled as follows (see order for specifics)...the motion for discovery & suppression of co-conspirator statements is denied...the motion for disclosure of impeaching information was ruled as follows: (see order for specifics). The motion for information concerning prospective jurors was denied. The motion for additional peremptory challenges is taken under advisement & shall be considered Monday, Aug 12. The motion in limine regarding privileged spousal communications is moot. The motion to disclose Govt evidence is taken under advisement and will be reconsidered Monday if necessary. The motion for order producing client for reasonable consultation is moot...there is a substantial similarity if not identity among the numerous discovery motions filed by various Defts. To the extent the motions are identical to those filed by Deft Fortna, the Court adopts the same rulings it made on those motions. ...the motions filed by deft Boisvert are, like many of Harnage's motions, identical...the Court hereby adopts its rulings made thereon...with the exception of the motion for discovery & inspection, the pretrial motions filed by Deft Schwarz also replicate requests made by Fortna...the Court will Continued on Page 5	06/22/85 08/07/85			

Interval
(per Section II)

Start Date
End Date

Ltr. Total
Code Days

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DATE 1985	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DEL		
		(a)	(b)	(c)
Aug 7	Order continued only memorialize its rulings on the motion for discovery & inspection (see order for specifics)....Deft's request for voir dire questions will be considered Monday, Aug. 12. Deft Poland's motion for disclosure of agreements between the Govt & Govt witnesses is granted. The motion for disclosure of exculpatory evidence is denied however, the Govt will supply <u>Brady</u> material (see order for specifics). The Court rules as follows to motions filed by Deft Sharer: motion for a separate hearing to determine the existence of a conspiracy tracts Fortna's motion & the Court rules the same. The motion regarding similar act evidence is granted to the extent the Govt will first approach the bench before presenting evidence. (see order for specifics)...the motion for severance is denied. Defts Anthony Joseph Reo, Jr. & Christopher James Reo have filed joint discovery motions...the Court's rulings are the same. Specifically, the motion to dismiss the indictment is denied. The motion to disclose plea bargains, deals and/or grants of immunity is granted. The motion to discovery criminal records of Govt witnesses is granted...the motion to suppress is denied. The motion for severance is denied. The record does not reflect any pretrial motions having been filed on behalf of Deft Bredesen. A final pretrial conference will be held on Monday, Aug 12, 1985, at 9:00 a.m. Jury selection will begin at 9:30. Dkt'd 8-8-85 RWP/bh copies to counsel, AUSA, Probation, Pretrial & Doris Robinson			
Aug 9	M.E. Deft pres w/counsel for rearraignment. Plea: G. to Ct. 1 of Superseding Indict. Court withheld adjudication; set for further proceedings and/or sentencing Sept 6, 1985 at 10:00. bond continued until time of sentencing. bh			
Aug 9	Filed PLEA AGREEMENT. bh			
Aug 9	Filed FACTUAL RESUME. bh			
Aug 12	M.E. Motion hearing; case continued until Aug 19, 1985 at 9:30. Deft Donald F. Bredesen and counsel not present; Court issued bench warrant and revoked bond. bh			
Aug 12	Filed GOVERNMENT'S AMENDED WITNESS LIST. cf			
Aug 12	Filed GOVERNMENT'S AMENDED EXHIBIT LIST. cf			
Aug 13	Filed ORDER that the motions for a continuance are GRANTED & this case is RESET for Monday, Aug 19, 1985 at 9:30 a.m. Further ORDERED that the motions to suppress filed by Defts Sharer & Harnage are held in abeyance pending amendment and/or further government response; and further ORDERED that Count 2 of the Indictment is DISMISSED. Dkt'd 8-14-85 RWP/bh copies to counsel, AUSA, Probation, Pretrial & Doris Robinson			

CONTINUED ON PAGE 6

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DATE 1985	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
Aug 15	Filed ORDER...the sentencing date for this deft has been reset from 10:00 a.m. on Sept 6, 1985, to 10:00 a.m. Sept 27, 1985. Dkt'd 8-16-85 RWP/bh copies to counsel, AUSA, Probation, Pretrial, Marshal and Doris Robinson				
Aug 15	M.E. Motion Hearing . bh				
Aug 19	Filed GOVERNMENT'S SECOND AMENDED EXHIBIT LIST. cf				
Aug 20	Filed GOVT'S FIRST SUPPLEMENTAL WITNESS LIST pm				
Aug 28	Filed AGREEMENT REGARDING STIPULATIONS dg				
Sep 27	Filed JUDGMENT AND PROBATION/COMMITMENT ORDER...cust 8 yrs. & fined \$10,000. ORDERED that on motion of U.S. atty, Ct 6 & 25 of the superseding Indictment filed 6-12-85 & the Original Indictment filed 5-1-85 are dismissed as to this deft only. FURTHER ORDERED that deft report directly to designated institution at hiw own expense no later than 12:00 noon on Oct 15, 1985. The Court imposes a mandatory special assessment of \$50. Dkt'd 9-30-85 RWP/bh 3cc to Marshal, lcc to Probation, Pretrial, deft's counsel, Debt Collection Unit, Financial & Julian Schonter				
Oct 18	Filed REFUND OF CASH DEPOSTI/SURETY...Deft has discharged all obligations of his bond; release of his colleteral, a \$20,000, is APPROVED. cf Cy Financial Deputy, Judge.				
Oct 22	Filed ORDER that Clerk draw check payable to order of Crowder & Mattox, 2017 Cedar Springs, Dallas, Texas 75201, for sum of \$20,000.00 (Cash Bail Refund)... Dkt'd 10-23-85 RWP/msr cys Judge; U.S.Atty; Atty				
10-23-85					
Oct 22	Filed MARSHAL'S RETURN ON JUDGMENT AND PROBATION/COMMITMENT ORDER executed by deft. surrendered on 10-15-85 to FPC Duluth, Minnesota pm				
Dec 17	Filed Deft's MOTION TO REDUCE SENTENCE. cf				
Dec 23	Filed PRETRIAL CONFERENCE BEFORE THE HON. ROBERT W. PORTER, August 5, 1985, one Volume, Freda Simmons, Crt. Rptr. cf				
Dec 23	Filed HEARING ON MOTIONS BEFOER THE HON. ROBERT W. PORTER, August 12, 1985, One Volume, Freda Simmons, Crt. Rptr. cf				
Dec 23	Filed VOIR DIRE BEFORE THE HON. JERRY BUCHMEYER, August 19, 1985, One Volume, Freda Simmons, CRT. RPTR. cf				
Dec 23	Filed TRANSCRIPT OF TRIAL PROCEEDINGS, August 21, 26, 27, 28, 29, 5 Volumes, Freda Simmons CRT. RPTR. cf				
Dec 23	Filed TRANSCRIPT OF SENTENCING PROCEEDINGS, October 4, 1985, Before the Hon. Robert W. Porter, One Volume cf				

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(per Section II)Start Date
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Days

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DATE	PROCEEDINGS (continued)	V. EXCLUC (a) (b)
<u>1986</u>	(Document No)	
Jan 24	Filed ORDER:...Re deft's motion to reduce sentence:...ORDERED that said sentence is modified only so as to make commitment pursuant to 18 USC 4205(b)(2) Dktd 1-28-86 RWP/pm cy. judge, pretrial, prob., ASUA, Marshal, Deft's atty.	
Nov 20	MOTION FOR RELEASE OF EXHIBITS (Govt) ms	
Nov 20	ORDER that the Govt Exhibits in this case shall be released into the custody of the FBI for their transportation to the Middle District of Florida and use in Case No. S86-281-Cr-T-10(B). Dkt'd 11-20-86 copies mailed to counsel, AUSA, Probation, Pretrial JB/bh	
<u>1987</u>		
Feb 10	MOTION TO REMIT FINE (Defendant) ms	
12	ORDER that the \$10,000 fine imposed on the Deft in this case plus any penalties & interest associated with that fine be remitted & the Deft's obligation to pay that fine plus any penalties & interest associated with it be forever discharged (1) Dkt'd 2-12-87 RWP/bh copies to counsel, AUSA, Probation, Pretrial, Marshal & Debt Collection Unit & Financial	
<u>1990</u>		
Feb 15	1 Passport #B2597755 William Christian Schwartz in file labeled as Govt Exhibit D-13 was placed in Passport drawer in Vault. gs	
<u>1996</u>		
MAY 20	US PASSPORT #B2597755 (Expired) owned by William C. Schwarz, returned to Department of State. gj	